
Roanoke County Administration Center
5204 Bernard Drive
Roanoke, Virginia 24018

The Board of Supervisors of Roanoke County, Virginia met this day at the Roanoke County Administration Center, this being the second Tuesday and the first regularly scheduled meeting of the month of July 2011. Audio and video recordings of this meeting will be held on file for a minimum of five (5) years in the office of the Clerk to the Board of Supervisors.

IN RE: CALL TO ORDER

Chairman Church called the meeting to order at 3:00 p.m. The roll call was taken.

MEMBERS PRESENT: Chairman Joseph B. "Butch" Church; Supervisors Michael W. Altizer; Charlotte A. Moore; Eddie "Ed" Elswick and Richard C. Flora

MEMBERS ABSENT: None

STAFF PRESENT: B. Clayton Goodman III, County Administrator; Diane D. Hyatt, Assistant County Administrator; Daniel R. O'Donnell, Assistant County Administrator; Paul M. Mahoney, County Attorney; Deborah C. Jacks, Clerk to the Board

IN RE: OPENING CEREMONIES

The Pledge of Allegiance was recited by all present.

IN RE: NEW BUSINESS AND PUBLIC HEARING

- 1. Resolution requesting the Virginia Department of Transportation to restrict through truck, or truck and trailer or semi-trailer combinations on Route 657 (Crowell Gap Road), Cave Spring Magisterial District (David Holladay, Planning Administrator)**

Mr. Holladay outlined in April of this year, the Franklin County Board of Supervisors initiated the requested restriction, however, since this road encompasses both Counties, a public hearing needed to be held in both counties as well as approval by both Boards. Franklin County held a public hearing on June 21, 2011, and adopted a resolution supporting this restriction; which will not apply to local truck traffic for small

trucks. The restrictions proposed for Crowell Gap Road begin at the intersection of Route 684, which is Boones Mill Road in Franklin County then traveling west and ending at the intersection of Route 666, Bandy Road in Roanoke County. This distance is approximately three point two (3.2) miles. The proposed alternate route begins at Route 684, Boones Mill Road beginning at the same intersection traveling south throughout Route 220 and then traveling north to Route 657, Crowell Gap Road near the Back Creek Road Bridge and then traveling east to the intersection of Bandy Road. This distance is twelve point one (12.1) miles.

The following citizen spoke. Mr. Larry J. Neuhs stated he lives on Crowell Gap Road on the Franklin County side. He basically owns the left-hand side of the road coming from Franklin County to the top of the mountain. He indicated he has a neighbor with him that owns the opposite side of the road on the mountain side. He stated they are both in favor of this truck restriction; he has been trying to get something done for several items on the road. This is one of them. He remarked it is interesting to see a fifty (50) ft. tractor/trailer come into the hollow, and he has pictures, try to make the mountain, bounced all over, and could not get turned around. Basically, there are signs that state not recommended for through trucks. He asked the driver if he did not see the sign, he responded he saw it, but he is a good driver. It should have been restricted and he would not have been in there. He came on in and was stuck; some jockeying around had to be done to get him out. Other trucks have come in there that had to be pulled out. It is just a bad, windy road. If you have not been through there, he invited the Board to come through. He stated the road is very dangerous at times and when the big trucks come in, they have nowhere to go; they have to be assisted to get out. The GPS companies advertize it as a shortcut. He is really hoping that will come out of this restriction, because it has been inferred to me the information will go to the GPS companies showing it has been restricted so the truckers will know it is not a good road to pursue. He stated he is definitely in support.

Supervisor Moore stated the unpaved portions are treacherous, even for normal vehicles, there are a lot of steep drop offs, it is gravel and as Mr. Neuhs stated once you get on that road there is no way to turn around. She stated most people who know the road will not travel it, but with the new technology and GPS, some motorists are guided over there and thinks it is a really good decision to put restrictions in place.

Supervisor Altizer stated he could identify with this resolution with what was accomplished with Windy Gap. He stated he would like to caution everyone, GPS will not do anything until VDOT tells them it has been enacted.

**RESOLUTION 071211-1 REQUESTING THE VIRGINIA
DEPARTMENT OF TRANSPORTATION TO RESTRICT THROUGH
TRUCK, OR TRUCK AND TRAILER OR SEMI-TRAILER
COMBINATIONS ON ROUTE 657 (CROWELL GAP ROAD), CAVE
SPRING MAGISTERIAL DISTRICT**

WHEREAS, the Roanoke County Board of Supervisors and the Franklin County Board of Supervisors have studied the possibility of placing a through truck, or truck and trailer, or semi-trailer combinations restriction on Route 657 (Crowell Gap Road); and

WHEREAS, the through truck, or truck and trailer, or semi-trailer combinations restriction is proposed for Route 657 (Crowell Gap Road) beginning at the intersection of Route 684 (Boones Mill Road), then traveling west on Route 657 (Crowell Gap Road), and ending at the intersection of Route 666 (Bandy Road), with the termini to termini distance equaling approximately three point two (3.2) miles; and

WHEREAS, the alternate route proposed is Route 684 (Boones Mill Road) beginning at the intersection of Route 657 (Crowell Gap Road), then traveling south to Route 220 (Virgil Goode Highway/Franklin Road), then traveling north to Route 657 (Crowell Gap Road), then traveling east to the intersection of Route 666 (Bandy Road), with the termini to termini distance equaling approximately twelve point one (12.1) miles; and

WHEREAS, the alternate route has been found to be reasonable; and

WHEREAS, a public hearing was held on July 12, 2011, according to Section 46.2-809 of the Code of Virginia, 1950, as amended.

NOW, THEREFORE BE IT RESOLVED, that the Roanoke County Board of Supervisors requests the Virginia Department of Transportation to restrict through truck, or truck and trailer, or semi-trailer combinations on Route 657 (Crowell Gap Road) beginning at the intersection of Route 684 (Boones Mill Road), and ending at the intersection of Route 666 (Bandy Road), with the termni to termni distance equaling approximately three point two (3.2) miles; and

BE IT FURTHER RESOLVED that the County will use its offices for enforcement of the proposed restriction in Roanoke County.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Clerk of the Franklin County Board of Supervisors.

On motion of Supervisor Moore to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

IN RE: NEW BUSINESS

1. Request to approve Smith Gap Landfill Host Community Improvement Fund, Public Improvement Plan Expenditures (David Holladay, Planning Administrator)

In attendance with Mr. Holladay were Dan Miles, Executive Director of the Roanoke Valley Resource Authority (RVRA) and Susy Snyder, Board member of the Smith Gap Landfill Host Community. Mr. Holladay explained the Roanoke Valley

Resource Authority has requested the Board review and approve the public improvement plan funded through the Landfill Host Community Improvement Fund to bring wireless internet services into the area. RVRA approved on June 22, 2011, and the Planning Commission approved on July 5, 2011.

Mr. Miles explained the funds must be expended on a public improvement project to a resource authority project. Since the authority also needed internet service they concurrently began conversations with the Host Community. He indicated they held a meeting with fifty (50) residents, which was a great turnout. He further stated the Host Community has been overwhelmingly supportive. Service is anticipated to be able to start in sixty (60) days to the Bradshaw Community once approved by the Roanoke County Board of Supervisors.

Ms. Snyder indicated the community will be overjoyed to obtain an improvement in the wireless service as they now have dial-up service. Community has voted unanimously in favor.

Chairman Church indicated he has been working with RVRA and the Board for quite some time with this area. There is \$150,000 in the fund which will be used, which was placed in the fund for those living in the proximity to the Smith Gap Landfill.

2. Resolution granting a waiver to Brandon LaCroix, Tournament Chairman for the JJ Redick Celebrity Golf Tournament and Gala under Section 13-23 of the Roanoke County Code to the provisions of the County's noise ordinance, Article II. *Noise of Chapter 13. Offenses – Miscellaneous*, Vinton Magisterial District (Paul M. Mahoney, County Attorney)

In attendance with Mr. Mahoney was Brandon LaCroix, Tournament Chairman. Mr. Mahoney explained the request.

Mr. LaCroix indicated this tournament will benefit CHIP, Children's Miracle Network and the JJ Redick Youth Foundation. This will be an all day golf tournament followed by an evening gala with a band outdoors at Ballyhack Golf Club. He indicated there were not many homes in the area.

Supervisor Altizer indicated he had spent some time speaking with Jonathan Ireland and Lester George this week; hopes this event will be a big success. He stated the event will be in the clubhouse, which is away from a lot of homes.

Supervisor Elswick recommending inviting the neighbors to attend.

Supervisor Moore indicated the charities that would benefit are great charities and thanked Mr. LaCroix for having the tournament.

Mr. Mahoney suggested the time be changed from 6:00 p.m. to 11:30 p.m., which Mr. LaCroix agreed to.

Chairman Church thanked Mr. LaCroix and asked him to thank Mr. Redick.

RESOLUTION 071211-3 GRANTING A WAIVER TO BRANDON LACROIX, TOURNAMENT CHAIRMAN FOR THE JJ REDICK CELEBRITY GOLF TOURNAMENT AND GALA UNDER SECTION 13-23 OF THE ROANOKE COUNTY CODE TO THE PROVISIONS OF THE COUNTY'S NOISE ORDINANCE, ARTICLE II. NOISE OF CHAPTER 13. OFFENSES – MISCELLANEOUS

WHEREAS, Brandon LaCroix, Tournament Chairman for the JJ Redick Celebrity Golf Tournament and Gala, will be playing music outdoors on Saturday, July 23, 2011, ending at 11:30 p.m. at the Ballyhack Golf Club located at 3609 Pitzer Road, Roanoke, VA; and

WHEREAS, in order to accommodate the advertised time frame and to benefit the community by raising funds to be donated to CHIP of the Roanoke Valley and the Children's Miracle Network, Mr. LaCroix is requesting a waiver of the County noise ordinance until 11:30 P.M., on Saturday July 23, 2011; and

WHEREAS, Section 13-23 of the Roanoke County Code establishes certain standards for the Board of Supervisors to grant waivers from the provision of the Roanoke County Noise Ordinance to avoid undue hardship upon consideration of certain factors set forth in sub-section (b) of Section 13-23 and after making certain alternative findings.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the provisions of Section 13-21. *Specific acts as noise*, sub-section (5) and Section 13-20. *General prohibition* of Article II. Noise be WAIVED from 6:00 p.m. until 11:30 p.m. on Saturday, July 23, 2011.

2. That this waiver is granted specifically to Brandon LaCroix, Tournament Chairman for the JJ Redick Celebrity Golf Tournament and Gala, for the event scheduled at the Ballyhack Golf Club on Saturday, July 23, 2011.

On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

IN RE: PUBLIC HEARING AND SECOND READING OF ORDINANCES

- 1. Ordinance authorizing the lease of space in the South County Library to Johnson & Elich Roasters, Ltd. d/b/a Mill Mountain Coffee and Tea for the operation of a coffee shop (Diane D. Hyatt, Assistant County Administrator)**

Ms. Hyatt explained this was the second reading and public hearing for the lease of space to Johnson & Elich Roasters for 895 square feet in the South County library. The lease is anticipated to run through September 30, 2014. Rent will start low, approximately \$500 a month and is based on a percentage of receipts, as business increases, so will rental income. There were no citizens to speak on this ordinance.

**ORDINANCE 071211-4 AUTHORIZING THE LEASE OF SPACE
IN THE SOUTH COUNTY LIBRARY TO JOHNSON & ELICH
ROASTERS, LTD. D/B/A MILL MOUNTAIN COFFEE AND TEA
FOR THE OPERATION OF A COFFEE SHOP**

WHEREAS, the new South County Library is currently being constructed and will include a coffee shop area in the community section of the building consisting of a café preparation area, counter area, seating area as well as a drive through window; and

WHEREAS, the County has negotiated a lease agreement with Johnson & Elich Roasters, Ltd. d/b/a Mill Mountain Coffee and Tea for the operation of the coffee shop for the initial period of October 1, 2011, through September 30, 2014, with the option to extend the lease upon the certain terms and conditions, and that the rent for the leased premises shall be based upon a percentage of gross sales from the coffee shop and catering within the library; and

BE IT ORDAINED by the Board of Supervisors of Roanoke County, Virginia, as follows:

1. That pursuant to the provisions of Section 18.04 of the Charter of Roanoke County, a first reading concerning the disposition of the herein-described real estate was held on June 28, 2011; the second reading and public hearing was held on July 12, 2011; and

2. That the property to be leased consists of 895 square feet located on the 1st floor of the South County Library, as shown on the attached Exhibit "A"; and

3. That it is in the County's best interests to lease this property to Johnson & Elich Roasters, Ltd. d/b/a/ Mill Mountain Coffee and Tea for the operation of a coffee shop area in the South County Library.

4. That the County Administrator, or his designee, is authorized to execute such documents and take such actions on behalf of Roanoke County as are necessary to accomplish this transaction, all of which shall be upon a form approved by the County Attorney.

On motion of Supervisor Moore to adopt the ordinance, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

IN RE: APPOINTMENTS

1. Board of Zoning Appeals (appointed by District)

Supervisor Elswick has appointed Eldon Karr to represent the Windsor Hills Magisterial District for an additional five-year term which will expire on June 30, 2016. Confirmation was placed on the Consent Agenda.

IN RE: CONSENT AGENDA

RESOLUTION 071211-5 APPROVING AND CONCURRING IN CERTAIN ITEMS SET FORTH ON THE BOARD OF SUPERVISORS AGENDA FOR THIS DATE DESIGNATED AS ITEM I- CONSENT AGENDA

BE IT RESOLVED by the Board of Supervisors of Roanoke County, Virginia, as follows:

That the certain section of the agenda of the Board of Supervisors for July 12, 2011, designated as Item I Consent Agenda be, and hereby is, approved and concurred in as to each item separately set forth in said section designated Items 1 through 8 inclusive, as follows:

1. Approval of minutes – June 14, 2011
2. Request to accept and appropriate a Local Government Challenge Grant in the amount of \$5,000 from the Virginia Commission for the Arts
3. Request to accept and appropriate a donation in the amount of \$500 for the Blue Ridge Regional Crash Investigation Team for traffic safety projects for fiscal year 2010-2011
4. Request to accept and appropriate funds in the amount of \$48,746 to the Sheriff's Office from Federal Grant 12-D5846CR09, approved under the Criminal Justice Systems Improvement Program from the Department of Criminal Justice Services
5. Request from the Library to accept and appropriate a programming support grant in the amount of \$500 from the Commonwealth of Virginia Commission for the Arts
6. Confirmation of appointments to the Board of Zoning Appeals (appointed by District); Roanoke Valley Sustainability Consortium Steering Committee
7. Resolution adopting new Vinton Business Center Development Guidelines and Protective Covenants and authorizing the recordation of such document in the Circuit Court Clerk's office of Roanoke County, Virginia

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8. Resolution expressing the appreciation of the Board of Supervisors of Roanoke County to Shelia Rose Dooley, Customer Service Representative II, upon her retirement after more than twenty-eight years of service

On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

A-071211-5.a

A-071211-5.b

A-071211-5.c

A-071211-5.d

A-071211-5.e

RESOLUTION 071211-5.F ADOPTING NEW VINTON BUSINESS CENTER DEVELOPMENT GUIDELINES AND PROTECTIVE COVENANTS AND AUTHORIZING THE RECORDING OF SUCH DOCUMENT IN THE CIRCUIT COURT CLERK'S OFFICE OF ROANOKE COUNTY, VIRGINIA

WHEREAS, the Roanoke County Board of Supervisors on June 28, 2011, repealed the existing proffered conditions on the McDonald Farm, now known as the Vinton Business Center and adopted an amended Master Plan for the 97.17 acre tract comprising the Vinton Business Center, Vinton Magisterial District; and

WHEREAS, new Development Guidelines and Protective Covenants have been drafted and agreed to among the County of Roanoke, the Town of Vinton and Cardinal IG Company, operating as Cardinal Glass, to govern and control the future development and use of the property comprising the Vinton Business Center; and

WHEREAS, the Roanoke County Board of Supervisors, in conjunction with the Town of Vinton and Cardinal IG Company, desires that the new Development Guidelines and Protective Covenants for the Vinton Business Center be recorded among the land records in the Clerk's Office of the Circuit Court of Roanoke County, Virginia, so as to be perpetual restrictions running with the land.

WHEREAS, the reading of this resolution was held on July 12, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Roanoke County, Virginia, as follows:

1. That the attached Development Guidelines and Protective Covenants for the Vinton Business Center, Exhibit "A" are hereby approved.
2. That the County Administrator is directed to execute the new Development Guidelines and Protective Covenants for the Vinton Business Center on behalf of the Board of Supervisors and to see to the recording of this document in the

Clerk's Office of the Circuit Court of Roanoke County, Virginia, upon the advice and assistance of the Office of the County Attorney, once executed on behalf of the Town of Vinton and Cardinal IG Company.

3. That this Resolution shall be in effect from its adoption.

On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

**RESOLUTION 071211-5.g EXPRESSING THE APPRECIATION
OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY
TO SHELIA ROSE DOOLEY, PERMIT TECHNICIAN I, UPON
HER RETIREMENT AFTER MORE THAN TWENTY-EIGHT
YEARS OF SERVICE**

WHEREAS, Shelia Rose Dooley was hired on July 13, 1983, in the Community Development Department and held positions as Clerk Typist I, Clerk Typist II, Permits Clerk, Customer Service Representative II and was promoted to Permit Technician I in April 2011; and

WHEREAS, Ms. Dooley retired on July 1, 2011, as Permit Technician I in the Community Development Department after twenty-eight years and three months of devoted, faithful and expert service with the County; and

WHEREAS, during her time serving Roanoke County's Community Development Department, Ms. Dooley was known as Ms. Permission to build in Roanoke County. She was well known among all home builders, developers and contractors within the valley. Shelia received many certificates of recognitions and awards for her outstanding service to Community Development customers. She is also the recipient of the Above and Beyond the Call of Duties (ABCD) award.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Roanoke County, Virginia expresses its deepest appreciation and the appreciation of the citizens of Roanoke County to **SHELIA ROSE DOOLEY** for more than twenty-eight years of capable, loyal, and dedicated service to Roanoke County; and

FURTHER, the Board of Supervisors does express its best wishes for a happy and productive retirement.

On motion of Supervisor Altizer to adopt the resolution, and carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

IN RE: REQUESTS FOR WORK SESSIONS

Supervisor Altizer asked staff to gather information and schedule a work session for the first meeting in August, if possible. He indicated there has been much made in the newspaper through a study concerning secondary road maintenance being turned over to the County from the State. He requested Mr. Goodman research the costs associated for the citizens of Roanoke County if the State were to turn that responsibility over to the localities. The Board will then need to discuss whether that should be on the legislative agenda and also staff may want to invite State elected officials to the work session to answer some questions on how they feel about this subject.

Chairman Church stated he has been contacted by the local media regarding this very issue. He whole-heartedly endorsed and requested to join Supervisor Altizer in his request.

IN RE: CITIZENS' COMMENTS AND COMMUNICATIONS

The first speaker was Mr. Bill Gregory of 3312 Pamlico Drive in Roanoke, Virginia who stated he has been a resident of the County for approximately eighteen (18) years. He thanked the Board for their decision to defer any action on the State mandated Urban Development Areas (UDAs) at the last meeting. He stated he believes this was an important first step toward keeping local governments, local. He continued, because the residents of Roanoke County are being bombarded from mandates from every direction to include the federal government, i.e. Federal agencies whose authority is dubious at best, the State government and even more ominously from the United Nations (UN). The information presented at the last meeting is worth examining in regards to UN Agenda 21 and ICLEI because the Board of Supervisors can do something about this. Roanoke County's involvement with ICLEI is a disservice to the residents of the County. ICLEI though the County approved organization, RCCLEAR, is implementing a program of greenhouse gas emission reductions that the majority of County residents are not even aware of. This program is an extension of AGENDA 21 on their insistence that global warming is man-made; there is plenty of evidence to suggest otherwise. The goals of the UN are planned out for the long-term, which is even more dangerous to our way of life and established form of government, a republic. He stated like a slow growing cancer, the implementation of those plans often goes undetected until it is too late. ICLEI is the first cancer cell. He then asked, do we want the presence of the UN by way of ICLEI in our County and does the Board as elected officials want their authority undermined by the UN?

Mr. Noah Tickle of 1603 Frosty Lane, Roanoke, Virginia 24018 stated he has been a Roanoke County resident since 1956, landowner and taxpayer since 1965. He stated he took early retirement in 2004 and now has the time to contribute, enjoy and share as a retired citizen. He further stated he will not run for office. If possible, he

would help and is trying to do that now. At the June 28th meeting, he requested that Roanoke County remove all association with the International Council of Local Environmental Initiatives, commonly known as ICLEI. Some citizens during the recent past have become aware of ICLEI and are shocked about how far the UN has projected its Agenda 21 into our local government. It has similarities with RCCLEAR, Smart Growth, Roanoke Valley Alleghany Regional Commission, the Virginia Municipal League, Western Virginia Land Trust, Roanoke Valley Cool Cities Coalitions, the Sierra Club, just to name a few. He then stated "the camel gets his nose in the tent, now the camel is in the tent." As a member of ICLEI, the ICLEI Charter 2.5 is explicitly accepted. The Commonwealth of Virginia and local governments are authorized to operate under the Constitution of the Commonwealth of Virginia, not the charter of the United Nations accredited non-governmental organization. In fact, under Article I, Section X of the United States Constitution of America, states are prohibited from implementing foreign political initiatives through its promotion of states to engage in treaties, alliances or confederates. ICLEI must go and it is also called sustainability. In effect, this is to mandate international rule over localities. We need local people making decisions; not people from non-governmental organizations out of the United Nations telling us how to live here. They do not care, we care. We live here, they do not. We occasionally do see each other, which helps with decisions we make. We look each other in the eye and that makes a difference. ICLEI must go or the Board of Supervisors will continue to lose their authority. We will continue to lose our liberty. Let us take steps back to constitutional liberty. Thomas Jefferson in effect said "if we do not chain the federal government down tightly, it will turn into a monster we do not want." We are the worldwide example, let us do that. He stated he knows everyone agrees with this, the majority want to be here. God save us. He ended by stating Spotsylvania County at the same time as Roanoke County kicked the urban development areas down the road, almost to the hour.

Ms. Robert Bondurant who lives at 11577 Bottom Creek Road and is a twenty-two year resident of the Roanoke Valley and has lived on sixteen (16) years on Bent Mountain. She stated that she will be reading from a document which she provided to the Planning Commission in February. This is a letter written by Dr. Jerry Via, who is an Assistant Dean and a Professor of Biology at Virginia Tech. He expressed his concerns with regard to wildlife on Poor Mountain as the proposed wind turbine facility is under consideration by the Board. She stated Dr. Via could not be in attendance today and she had advised Dr. Via she would read his comments into the record and he hopes to have an opportunity to speak at the public hearing. "During the early 1970's the Roanoke Valley Bird Club along with many other clubs in Virginia, Tennessee and West Virginia started following the migration of large raptors including hawks, eagles and falcons along the ridges of the Blue Ridge and Southern Appalachians." In short, they observed conditions on Poor Mountain for several years. Poor Mountain, to raptors, was like an island, they witnessed numerous hawks as well as blue jays, and other songbirds passing south during the daylight hours. In addition, Dr. Via observed many

species of song birds that migrate along the mountains at night. "They typically fly anywhere from 3,000 to 6,000 feet altitude, but that can vary depending on weather and wind conditions. It is hard to determine the numbers at night but much easier to observe their behavior during the day. Shortly after day break, these song birds "drop out" and come into the trees to feed and replenish their energy reserves. The places where they first drop out are the ridge tops of our local mountains. Later in the day they move down from the ridge tops to other feeding areas." She stated Dr. Via expressed his "sadness to notice the mortality of birds that had flown into the guide wires and transmission towers on top of Poor Mountain." He remembered "one day the count was over 60 birds, mostly vireos and warblers. This is not unique to Poor Mountain and these types of towers with blinking lights lure nocturnal migrants into their structures on foggy nights and mornings." In short, he recommended against four hundred (400) foot turbines because of the damage they do, the destruction to migrating fowl and to bats and insects, basically pollinators. She stated as a citizen and not a scientist, her concern is that we are impacting our tourist industry and our recreation, but also that we are impacting our agriculture

IN RE: REPORTS

Supervisor Flora moved to receive and file the following reports. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Altizer,
NAYS: None

- 1. General Fund Unappropriated Balance**
- 2. Capital Reserves**
- 3. Reserve for Board Contingency**

IN RE: REPORTS AND INQUIRIES OF BOARD MEMBERS

Supervisor Moore stated her congratulations to Fire Academy 14, who graduated last week; good luck in their new careers, may God bless them and may they always be safe. Additionally, she advised RCCLEAR is an educational committee; educating the public and she encourages all citizens to be more involved in this because we all want to breathe clean air and have clean water and have a clean valley for all of our loved ones to enjoy as we have been allowed to do.

Supervisor Altizer stated his comments relate back to the request for work session about secondary roads being considered to be brought to localities. Many of our citizens have heard the Board talk about things that have been brought down to local government. Local government has nowhere to go but to the citizens of Roanoke County. The federal government can pass down what it sees fit to the State and the

State can pass down to the localities and he just wants to give everyone sort of a recap of what has happened to Roanoke County since the 2008-2009 budget years. Over this time period, the schools in Roanoke County actually this budget year are receiving \$14,881,000 less than the 2008-2009 year. Roanoke County is receiving \$3,521,214 less than in 2008-2009. As the State balances its budget, and he understands that, but when you get down to the local level when Roanoke County has tried to reduce the size of government, by not filling positions, and have taken positions that are not going to be filled, but yet, Roanoke County continues to take hits year in and year out. In a line by line item on the Commonwealth of Virginia reductions in aid to localities, this Board gets a little agitated every July and it is called what we deemed in the 2008/2009 year, aid to the State, because that is exactly what it is. Roanoke County wrote the State of Virginia a check for \$526,000 and in 2009/2010 the check was for \$529,000 and 2010/2011 the check was for \$630,000 and in the last budget year Roanoke County wrote a check for \$580,000. The local level can only do so much and when the State talks about passing a share of Medicaid to localities, CSA reimbursements and now secondary roads. There is nowhere to go but to the citizens. He encouraged every citizen that is watching this and is sitting here to talk to their State elected officials about understanding things they are passing and the impact it is going to have on the citizens they represent back home. He reiterated the Board cannot do it alone. He commented Ronald Reagan made a statement back in a speech to the citizens of this Country back in the 1980's, "you cannot do it alone, you need to call your congressmen, and you need to call your senators." The State elected officials need to hear from citizens that the backbone of the local government is only as strong as what our citizens can bear. He stated they are bearing a lot.

Chairman Church stated the Board is increasingly being hit by yet another series of "adjustments". He stated he calls it helping to balance the State budget on the backs of local government. The Board has sent some harsh resolutions back to Richmond as recently as last year, letting them know Roanoke County is not happy, our citizens have taken an exception, the Board has taken exception. Mr. Tickle mentioned talking about seeing the local officials; the Board can be seen in Walmart, Kroger, etc. The citizens need to do the same with the State elected as Supervisor Altizer has stated. There can be three hundred (300) people in this room over an important item, the local governments need to have fifty (50) or seventy-five (75) lined up at their door because they represent the same customer as this Board does. These State elected officials are there for the citizens; they will not hide from you, However, when they hear from local, elected Board members sometimes the importance is not placed on the situation. If they have two or three hundred emails or fifty citizen visits, you will get their attention. Remember there are a limited number of delegates and senators for our area. Keep in mind Northern Virginia and Tidewater are areas Roanoke County has to combat against and it like "jumping out of an airplane" never knowing where you are going to land. That is how the Board feels about June 30th and even when the school budgets are being negotiated, when the Board is trying to find funds because when the

State cuts the schools, it also cuts this Board, because helping the school side is becoming almost increasingly impossible. Chairman Church stated he hopes that the Board will include in its legislative action going to Richmond a strong wording of alarm because there is no place to go, the Board is in a corner and the next place to go is to the citizens. Roanoke County has been managed very well so far, there have not been any tax increases and the Board wants to keep it that way.

IN RE: CLOSED MEETING

At 3:52 p.m., Chairman Church moved to go into closed meeting following the work sessions pursuant to the Code of Virginia Section 2.2.3711.A.1. Discussion concerning the assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees; Discussion concerning the appointments to the Virginia Western Community College Board; Roanoke Valley Sustainability Consortium Steering Committee and Section 2.2.3711.A.3. To discuss or consider the acquisition of real property for public purposes, where the discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the County. The motion carried by the following recorded vote:

AYES: Supervisors Moore, Altizer, Flora, Elswick, Church

NAYS: None

The closed session was held from 5:06 p.m. until 6:27 p.m.

IN RE: WORK SESSIONS

1. Work session on amendments to the Roanoke County Zoning Ordinance dealing with Large Wind Energy Systems and Utility Wind Energy Systems (Philip Thompson, Deputy Director of Planning)

In attendance for this work session was Philip Thompson, Deputy Director of Planning and B. Clayton Goodman III, County Administrator. The session was held from 4:08 p.m. until 4:29 p.m. Mr. Goodman explained during the last meeting, there were only four Board members in attendance. It was the consensus of the Board to bring this item back before a full Board. He indicated staff would like to receive direction with regard to this item on how the Board wants to proceed on the Planning Commission's recommendation. Chairman Church indicated he believes the Board is now ready to move forward to the first reading and opened the floor for discussion.

Supervisor Flora stated he would like to move forward advising he feels the County needs an ordinance with some guidelines so that everyone will know what Roanoke County is expecting. He explained this does not mean the Board approves all windmills. Additionally, he noted if the ordinance is not approved, it does not mean

windmills are done, just that there are no guidelines. He then explained the only complaint he has heard is with the setback not being quite adequate at one hundred and ten percent, but within forty (40) feet of the property line, other than that he has not heard a great deal of comments. Chairman Church asked Mr. Mahoney to explain what would happen with an application that came in now without this ordinance. Mr. Mahoney explained if an application were filed, it could be treated as a major utility and with the standards currently in place, there are eight (8) criteria, of those, two to three (2-3) apply to water and sewer matters. He stated it is his opinion the existing criteria provides sufficient guidelines or standards by which the Board could judge any application. The ordinance that is being recommended by the Planning Commission sets out good guidelines, standards, studies and reports that any applicant would have to provide to the Board, the Planning Commission and the citizens for review and comment. The staff recommendation does provide the Board with a better set of tools to analyze any application that might be forthcoming.

Supervisor Altizer stated he is also in favor of moving forward. He explained he had spoke with two citizens from the mountain today and discussed the special use permits. He stated the Board can debate one hundred and ten (110%), 2,600 feet from the house, etc. There is a time and place to debate that, but under utility standards major, which is what windmills would come under, the criteria is just related to water and sewer. One of the things that he had notes was "no major utility service shall be located within one hundred feet of an existing residence. That would be the guideline the Board would use if it received a petition before there is an ordinance adopted. The "minimum lot size may be reduced as part of the approval of the special use permit, provided all setback and yard requirements are met" When you go back to the Code that exists now, the front part "fifty (50) feet setback", side yard "twenty-five (25) feet", rear yard "thirty-five (35) feet. This ordinance is about (and no disrespect to Bent Mountain) Roanoke County and where one could or could not be placed. This Board has to do what it feels best protects Roanoke County and in doing so, protecting the citizens and when you look at the criteria in place today, he does not think anyone would be happy with that set of criteria. Supervisor Altizer stated he concurs with Supervisor Flora that the Board needs to get an ordinance and debate the ordinance when it comes forward. The Board has to position Roanoke County to be in the best possible position to represent its citizens. He stated he is intending to support moving this to the next available date for first reading.

Chairman Church stated he felt there should to be a full Board present, because there is not an application now, and if one came in it would be detrimental to everyone in the room. This is a methodical movement to get something officially started and then that starts the negotiation for any and every application. The work begins after the first and second reading and an application is received.

Supervisor Elswick stated he understands Roanoke County needs an ordinance and the Board is moving in that direction. He explained he would like to recommend to those members of the Board who have not visited to look at the West

Virginia wind farm and compare that community versus the first planned community here, Poor Mountain and see how many people live there, what has already been done to the mountains, the amount of clearing required, etc. He advised when the local paper visited the area, the reporter did a very good article, not pro or con, but none of the rest of us who had been there had actually talked to any residents; there was an assumption no one lived there. There are some people that live within three quarters of a mile and the reporter interviewed all those people. He recommended the Board members read the article, and get a feel for what it is like to live near a wind farm. Look at Poor Mountain, the number of people that live near the proposed installation and the impact it would have on them based on how it impacts the people in West Virginia. He stated he would like to see the ordinance reflect reality. At this point, there are obviously some things that most of us would change about it and that is not why we are here today; they will be discussed during the first reading. He further requested the Board look at the economics behind it, the motivation and the appropriateness of large wind turbines ought to be located. If you put a lot of large wind turbines on top of a mountaintop removal site, it makes it look better. If you put them where a lot of people live then there are other factors that need to be taken into consideration. Personally, he believes the money the government subsidizes the industry for, if that same money went to solar panels to put on this building and other businesses in the valley or individuals homes, it would be nice to see a calculation as to whether or not the solar panels the same amount of money that is put out with wind turbines. In these rural communities, which is where they will go, consideration should be given to how the people live and why do they live in a mountain area. There the mountains are part of the people's homes. When he and other people drive home, the first thing they look at is "there is my mountain". It is not ours, it belongs to somebody else, but it is still part of our home, it is a very expansive home compared to an urban area and the people tend to be really close, you know everybody, and you wave when you pass them in a car and those kind of atmospheres are rare and he thinks the Board needs to do everything it can to try and retain them. He further stated obviously there are things the Board needs to look at and would encourage everyone to have an open mind about it and try to make the ordinance reflect reality a little more than it does today.

Supervisor Moore indicated she concurred and stated an ordinance is needed and the Board needs to move forward.

Supervisor Flora stated the Board adopts imperfect ordinances all the time, his experience has been that you adopt the best ordinance you possibly can and when you get down the road and deal with it you find where the loopholes are and where the land mines are and you change it. At least Roanoke County will have something to start with; improvements can be made as the County learns. You really do not get the feel on how it is going to do until you have sat through it; an enlightening experience.

Chairman Church stated the first reading is to get started, to put on a tract to fine tune. Ordinances are not in concrete and stone forever. He stated it is

consensus of the Board to move forward.

Mr. Goodman stated he would recommend the first reading be held at the July 26, 2011, meeting and the public hearing and second reading be held on August 23, 2011.

Supervisor Elswick stated one thing to keep in mind, if an ordinance is not correct it can be changed later on. In this case, the windmills cannot be taken down, so changing the ordinance would be irrelevant at that point. He stated he still advocates making the ordinance as accurate as it possibly can be because none of the Board members know very much about large wind turbines. There are some people that do and he would still like to have some of those experts talk to the Board; this is a really big issue for any community where these things are going to be installed. He further clarified this will change their whole way of life, it changes the entire community and to him is one of the most serious issues the Board will ever have to debate. He stated he would like to see the ordinance be a little closer to reality.

Chairman Church stated he does see Supervisor Elswick's point, as this is not your average ordinance, but feels the entire Board knows that. He stated he planned to go independently to visit the farm in West Virginia and encourages everyone to do the same.

**2. Work session to discuss proposed leases with the civic group to operate a community center and Roanoke County School Board
(B. Clayton Goodman III, County Administrator)**

In attendance for this work session was B. Clayton Goodman III, County Administrator and Paul M. Mahoney, County Attorney. The work session was held from 4:29 p.m. until 4:48 p.m.

Mr. Goodman explained that he was providing a progress report to the Board with regard to Bent Mountain concerning the proposed community center. He advised there is a good plan to proceeding with establishing the community center; use the smaller area first, the gym and the kitchen. He advised based on Board consensus, \$32,000 would be allocated for start-up to reproduce on a smaller scale what was seen in Shawsville. The next step is to lease the elementary school from the School Board; a draft copy has been provided and explained no negotiations have been entered into. He asked that the Board members provide him with any comments on this lease. He explained he would like to move forward and sit down with the School Board and bring back a lease that both parties can agree on. Supervisor Altizer asked if the citizens have seen the lease, with Mr. Goodman advising in the negative.

Supervisor Moore inquired with regard to the insurance indemnity, it states that the landlord shall obtain and carry the insurance. She asked how this would work as far as the School Board would have insurance policy on the whole school, how would the insurance work for just the gym. Mr. Mahoney explained the School Board would still be the owner and Roanoke County would have to obtain liability coverage; and the

sublessee will need to obtain liability coverage as well. When that point is reached, negotiations will need to be held with different insurance representatives to make sure all the coverages protect all the parties. Mr. Goodman explained he had advised the citizens of Bent Mountain that Roanoke County would provide the liability insurance and the cost was included as a Roanoke County cost item. He further indicated if the Schools ever conveyed the property to the County, Roanoke County would have to protect the loss. Supervisor Moore inquired if Roanoke County would carry the liability insurance and the Schools would carry the hazard insurance with Mr. Goodman responding in the affirmative.

Supervisor Elswick stated the odds are pretty good that Roanoke County will end up with the whole facility based on the feedback he has received based on potential attendance records. He explained that a survey that was sent to all the citizens on the mountain as to volunteer, what types of activities, etc. He advised they received a twenty percent (20%) return which is a very good response. Forty-eight percent (48%) of those responding indicated they would be willing to volunteer and work in the facility. This would be a good thing for the community and the community is very interested.

Mr. Goodman stated there was a lot of opportunity, for example a small scale farmers market. This is an opportunity to engage the citizens and they will need to buy into as well; because without the community support it will not work and it will have to close.

Chairman Church asked if Mr. Goodman was using Shawsville as an example with Mr. Goodman explaining he had used them as an outline because it was quite successful.

It was the consensus of the Board for Mr. Goodman to start negotiations with the School Board.

Mr. Goodman explained the second lease is with the civic group. A separate group has been formed. Basically the lease states the property is being leased to the civic group and may be used for the purposes as outlined. He advised changes will most likely be made based on conversations with the community. He stressed the importance of the lease is to make sure the community understands what it is going to do and what Roanoke County is going to do. For example, Roanoke County will provide one day a week cleaning for five hours, the community will provide the remainder of the cleaning. The community will open and close the building. Mr. Goodman stressed staff does not want to craft an agreement that stifles the ability to make it work. When working with volunteers, he stated it is important to define what they are doing so there is consistency and will be successful.

Chairman Church and Supervisor Elswick both commended Mr. Goodman on his work on this. It was the consensus of the Board to move forward and schedule a meeting with the School Board and community. Additionally, Board members will contact Mr. Goodman with any questions or concerns.

3. Work session to discuss two proposed surveys (B. Clayton Goodman III, County Administrator)

The work session was held from 4:46 p.m. until 4:48 p.m. Mr. Goodman explained this work session was the request of Supervisor Flora to discuss an employee survey and Supervisor Elswick wanted to discuss a citizen's survey.

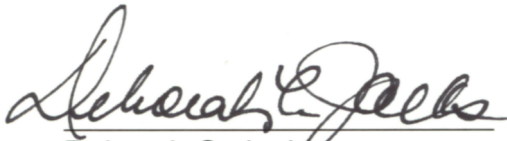
Supervisor Flora stated he did not want to spend any funds on a survey and felt that between Roanoke College and Hollins University a questionnaire can be prepared and distributed so that all employees will have an opportunity to respond without someone in the County being made aware of who is saying what. He stated he is concerned about the effect on the employees based on four years without raises, downsizing and additional work. He stated he knows from past experience, these colleges have a specific class to deal with these types of surveys. Additionally, the schools can come out on site, distribute and collect the survey and then take back with them. He stated it is very important that information be secured. Supervisor Flora further stated if the Board is in agreement, he would be glad to discuss with both colleges. Supervisor Altizer stated that it should be interesting to see what the employees will say; some things can change and some cannot. He stated he is in agreement only on a no-cost basis. Chairman Church indicated he had no problems with checking the "pulse"; however, something must be done with the expectation. Supervisor Moore stated she felt it was a good idea as she valued employee comments. She stated she would reemphasis with computers and tracking, employees may feel uncomfortable doing it that way. She suggested that maybe they could be sent out and returned and sent as one entity to the college. Supervisor Elswick stated he thought it was a good idea. Supervisor Elswick then stated he wanted to know what the citizens of Windsor Hills think of what the Board is doing and would also like to see a survey of all County residents. He asked Supervisor Flora if the colleges could assist with this as well. Supervisor Flora stated that he would ask, but would prefer they come in and hear it directly from the Board at work session. There will be some expense. It was the consensus of the Board for Supervisor Flora to contact the colleges and advise the outcome to the Board.

IN RE: ADJOURNMENT

Chairman Church adjourned the meeting at 6:28 p.m.

Submitted by:

Approved by:



Deborah C. Jacks
Clerk to the Board



Joseph B. "Butch" Church
Chairman